

# UNITED STATES DISTRICT COURT

## Eastern District of New York

UNITED STATES OF AMERICA  
- v -  
\_\_\_\_\_  
Patrice Runner

Presiding Judge: Joanna Seybert, Senior U.S.D.J.  
Case No(s): 18-cr-0578-JS-AYS  
Date: 6/6/2023  
Start Time: 9:45 AM Total Time: 7 hrs.

### MINUTE ENTRY FOR A CRIMINAL TRIAL

Trial Regarding a Violation of Probation/Supervised Release: ☐ Yes ☒ No

#### I. APPEARANCES:

Defendant (# 1): Patrice Runner  
☒ Present ☐ Not Present ☒ In Custody ☐ On Bond ☐ Under Supervision

Counsel: James Darrow and Charles Millioen  
☐ Retained ☒ Federal Defender ☐ CJA ☐ \_\_\_\_\_

Defendant (# \_\_\_\_\_): \_\_\_\_\_  
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: \_\_\_\_\_  
☐ Retained ☐ Federal Defender ☐ CJA ☐ \_\_\_\_\_

Defendant (# \_\_\_\_\_): \_\_\_\_\_  
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: \_\_\_\_\_  
☐ Retained ☐ Federal Defender ☐ CJA ☐ \_\_\_\_\_

Defendant (# \_\_\_\_\_): \_\_\_\_\_  
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: \_\_\_\_\_  
☐ Retained ☐ Federal Defender ☐ CJA ☐ \_\_\_\_\_

Government: John Burke, Charles Dunn, Rachel Baron

Court Reporter: Lisa Schmid, Denise Parisi/Paul Lombardi

Pretrial/Probation: \_\_\_\_\_

FTR Time: \_\_\_\_\_

Interpreter: \_\_\_\_\_ Language: \_\_\_\_\_

Courtroom Deputy: Eric L. Russo

☐ See Additional Appearances page.

#### II. PROCEEDINGS HELD:

- ☐ Bond Hearing
- ☐ Detention Hearing
- ☐ Jury Selection (*Voir Dire*)
- ☒ Jury Trial
- ☐ Jury Deliberations
- ☒ Motion Hearing

#### III. PROCEEDINGS SUMMARY:

- ☐ The following proceeding(s) were held regarding \_\_\_\_\_.
- ☐ Jury Selection (*Voir Dire*) held/continued.
  - ☐ The Court ordered the jury panel to be anonymous.
  - ☐ The prospective jurors were sworn and given preliminary instructions by the Court.
  - ☐ The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
    - ☐ The questioning of the prospective jurors was in the form of written questionnaires completed by the prospective jurors.
  - ☐ A conference was held with the Court and the parties to review the questionnaires completed by the prospective jurors.
  - ☐ \_\_\_\_\_ moved for a Batson Challenge as to Juror Number \_\_\_\_\_.
    - ☐ The parties presented their oral arguments to the Court.
    - ☐ The motion was ☐ granted and the juror was excused; ☐ denied and the juror remains unchallenged.
  - ☐ A jury of \_\_\_\_\_, with \_\_\_\_\_ alternates, were selected and are satisfactory to all parties.
    - ☐ The Court ordered the jury to be ☐ sequestered; ☐ semi-sequestered.
  - ☐ The selected jurors were sworn as trial jurors.
  - ☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.

☒ Jury Trial held/continued.

- ☐ The selected jurors were sworn as trial jurors.
- ☐ The jurors were given preliminary instructions by the Court.
- ☐ The Government's opening statement were heard.
- ☐ The Defendant's(s') opening statement(s) were heard.
- ☒ Witnesses were called for the Government.
- ☐ Witnesses were called for the defense.
- ☒ Exhibits were entered into evidence.
- ☐ The Government rests.
- ☐ The defense rests.
- ☐ The Charge Conference was held between the Court and the parties (absent the presence of the jury).
- ☐ The Government's summations were heard.
- ☐ The Defendant's(s') summations were heard.
- ☐ The Government's rebuttal summations were heard.
- ☐ The Court charged the jury.
- ☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.

☐ Jury Deliberations held/continued.

- ☐ A U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.
- ☐ Jury Notes were received and marked as Court Exhibits.
- ☐ The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (*Allen Charge*).
- ☐ The jury rendered the following verdict:
  - ☐ \_\_\_\_\_ on count(s)/charges(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
  - ☐ \_\_\_\_\_ on count(s)/charges(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
  - ☐ \_\_\_\_\_ on count(s)/charges(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
  - ☐ \_\_\_\_\_ on count(s)/charges(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
- ☐ The jurors were polled as to their verdict.
- ☐ The Verdict Sheet was received and marked as a Court Exhibit.
- ☐ The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.
  - ☐ Jury Notes were received and marked as Court Exhibits.
  - ☐ The jury rendered their verdict regarding the forfeiture allegation count(s).
  - ☐ The jurors were polled as to their verdict.
  - ☐ The Special Verdict Sheet was received and marked as a Court Exhibit.
- ☐ The jurors, including alternates, were excused with the thanks of the Court.
- ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
- ☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.

☒ Motion Hearing held.☒ Government \_\_\_\_\_ moved for:☐ Mistrial/New Trial pursuant to Rule 33 of the F.R.Cr.P.☐ Judgment of Acquittal pursuant to Rule 29 of the F.R.Cr.P.☒ Introduce Witness Testimony of Jerome DiMarco by Zoom \_\_\_\_\_.☒ The parties presented their oral arguments to the Court.☒ The Court made the following ruling(s): ☐ Motion granted; ☒ Motion denied; ☐ Motion granted, in part, and denied, in part.☐☐ The following briefing schedule was set:☐ \_\_\_\_\_ due by: \_\_\_\_\_.☐ \_\_\_\_\_ due by: \_\_\_\_\_.☐ \_\_\_\_\_ due by: \_\_\_\_\_.☐ \_\_\_\_\_ due by: \_\_\_\_\_.☐ The parties were directed to file a proposed briefing schedule for this Court's approval on or before \_\_\_\_\_.☐ The parties are to ensure courtesy copies of their submissions (outlined above) are promptly provided to Chambers.**(Note:** Attaching the documents to an e-mail does not satisfy this directive.)☒ The Court's decision ☒ was entered on the record; ☐ will be entered under a separate order; ☐ was reserved.☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.**IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:**☐ Bond Hearing/Detention Hearing held.☐ The bond application/modification was granted as to Defendant \_\_\_\_\_.☐ An Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.☐ The conditions of release were modified as stated on the record as to Defendant \_\_\_\_\_.☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.☐ The bond application/modification was denied as to Defendant \_\_\_\_\_.☐ The Government moved for immediate detention of Defendant \_\_\_\_\_.☐ The motion was ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.☐ An Order of Detention was executed as to Defendant \_\_\_\_\_.☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.☐ The decision regarding the bond or detention application was reserved.☐ An Order Scheduling a Detention Hearing was executed as to Defendant \_\_\_\_\_.☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.**For a defendant currently IN-CUSTODY:**☒ Defendant 1 remain(s) in custody.☐ The following order(s) was/were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:☐ A Medical Evaluation Order as to Defendant \_\_\_\_\_.☐ A Competency Order as to Defendant \_\_\_\_\_.☐ A Force Order as to Defendant \_\_\_\_\_.☐ Defendant \_\_\_\_\_, being found not guilty, shall be released, forthwith.☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.**For a defendant currently AT LIBERTY:**☐ Defendant \_\_\_\_\_ remain(s) on bond.☐ Defendant \_\_\_\_\_ remain(s) at liberty, under the supervision of the U.S. Probation Department (*for a VOP or VOSR case*).

**V. OTHER RULINGS MADE DURING THE PROCEEDINGS:**☐**VI. FURTHER PROCEEDINGS SET:**

- ☐ Jury Selection: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☒ Jury Trial: 6/7/2023 at 9:30 AM before Judge Joanna Seybert (In Courtroom 1030.), as to Defendant 1.  
☐ Motion Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☐ Status Conference: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☐ Bond Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☐ Detention Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☐ Sentencing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ (\_\_\_\_\_), as to Defendant \_\_\_\_\_.  
☐ Parties are directed to file their sentencing memorandums by \_\_\_\_\_. Once the memorandums are filed, the parties are to ensure courtesy copies of their submissions are promptly provided to Chambers. (**Note:** Attaching the documents to an e-mail does not satisfy this directive.) If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed on said due date, in lieu of the memorandum.  
☐ Further instructions regarding the proceedings set:  
☐ The Court ordered the proceeding(s) to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185.**

☐

- ☐ No further proceedings have been set at this time. (**Note:** Further proceedings may have been set previously. Refer to the docket sheet.)